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10 Smith, and Stewart

11  
12 IN THE UNITED STATES DISTRICT COURT  
13 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
14 SAN FRANCISCO DIVISION

15 **HAROLD B. SHAMBURGER,**

16 Plaintiff,

17 v.

18 **R. KIRKLAND, et al.,**

19 Defendants.  
20

C 07-4597 JSW (PR)

**DECLARATION OF  
KENNETH T. ROOST  
IN SUPPORT OF  
DEFENDANTS' MOTION  
FOR EXTENSION OF TIME  
TO FILE A DISPOSITIVE  
MOTION**

21 I, Kenneth T. Roost, declare:

22 1. I am an attorney admitted to practice before the courts of the State of California and  
23 before this Court. I am employed by the California Attorney General's Office as a Deputy  
24 Attorney General in the Correctional Law Section, and am assigned to represent Defendants  
25 Cook, Fischer, Foss, Kirkland, McGuyer, O'Neill, Pena, Randolph, Ruff, Smith, and Stewart  
26 (Defendants) in this case. I am competent to testify to the matters set forth in this declaration,  
27 and if called upon by this Court, would do so.

28 2. Defendants' counsel has recently acquired documents that necessitate further

Decl. Roost Supp. Defs.' Mot. EOT File Dispositive Mot.

*Shamburger v. Kirkland, et al.*  
C 07-4597 JSW (PR)


1 development of the dispositive motion and supporting declarations. Defendants thus need  
2 additional time to prepare their anticipated motions to dismiss and for summary judgment.

3 3. Defendants respectfully request a three-day extension of time to file their dispositive  
4 motions, so that they must be filed on or before August 14, 2008.

5 4. This request for an extension of time is not made for the purpose of harassment, undue  
6 delay, or any improper reason. Defendants previously requested and received a seventy-day  
7 extension of time to file a dispositive motion in this matter because of the delay in the parties  
8 being served after the Court's service order, and because of Defendants' counsel's additional  
9 work.

10 5. Plaintiff is confined in state prison and cannot easily be contacted concerning an  
11 extension of time. Because Plaintiff is a prisoner, it is also difficult to deliver this motion for an  
12 extension of time on the same day it is filed. Thus, Defendants are serving it by overnight mail.

13 I declare under penalty of perjury that the foregoing is true and correct and that this  
14 declaration was executed on August 11, 2008, in San Francisco, California.

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18 Kenneth T. Roost  
19 Deputy Attorney General

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